

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 8

APPLICANT(S): Millard E. Sweatt, et al.  
APPLICATION NO.: 09/925,109  
FILING DATE: August 8, 2001  
TITLE: Method & System for Remote Television Replay Control  
EXAMINER: Not Yet Known  
GROUP ART UNIT: 2152  
ATTY. DKT. NO.: 22407-05391

CERTIFICATE OF MAILING			
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:	<i>Martin S. C. Loui</i>		
Typed or Printed Name:	Martin S. C. Loui, Reg. No.: 43,411	Dated:	July 3, 2002
Express Mail Mailing Number (optional):			

BOX DAC  
COMMISSIONER FOR PATENTS  
WASHINGTON, DC. 20231

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JUL 15 2002  
OFFICE OF PETITIONS

## PETITION UNDER 37 C.F.R. 1.53

SIR:

Please find below a petition under 37 C.F.R. 1.53 to correct the filing date of the above-referenced utility patent application to reflect the correct filing date of August 8, 2001, pursuant to 37 C.F.R. 1.10. Applicants attach as Exhibit A, a copy of the Return Postcard and Filing Receipt dated January 18, 2002 indicating an incorrect filing date of August 9, 2001.

Attached as Exhibit B with this petition to show the date of deposit of the above-referenced patent application using the "Express Mail" mailing label is a true copy of the "Express Mail" mailing label without the "date-in" stamp from the United States Postal Service (USPS). A true copy of the "Express Mail" mailing label showing the "date-in stamp" is unavailable. Accordingly, Applicants submit the USPS Shipping History obtained online at

[http://trkcnfrm1.smi.usps.com/netdata-cgi/db2www/cbd\\_243.d2w/detail](http://trkcnfrm1.smi.usps.com/netdata-cgi/db2www/cbd_243.d2w/detail) for the corresponding "Express Mail" mailing label to show the date of deposit of the above-referenced application as August 8, 2001. The Shipping History is attached as Exhibit C.

Applicants respectfully request that the filing date be corrected to August 8, 2001.

Respectfully submitted,  
MILLARD E. SWEATT, ET AL.

Dated: \_\_\_\_\_

July 3, 2002

By: \_\_\_\_\_

*Martin S. C. Loui*

Martin S. C. Loui, Reg. No.: 43,411

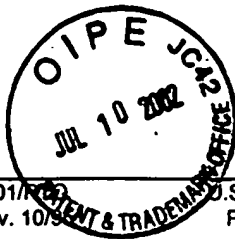
Fenwick & West LLP

Two Palo Alto Square

Palo Alto, CA 94306

Tel.: (650) 858-7901

Fax.: (650) 494-1417



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PTO/SB/21 (modified)

Approved for use through xx/xx/xx, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0001/Rev. 10/92 U.S. Department of Commerce  
Patent and Trademark Office

## TRANSMITTAL FORM

(to be used for all correspondence during pendency of  
filed application)

Application Number	09/925,109
Filing Date	August 8, 2001
First Named Inventor	Millard E. Sweatt III
Group Art Unit Number	2152
Examiner Name	Not Yet Known
Total Number of Pages in This Submission	9
Attorney Docket Number	22407-05391

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Check Enclosed <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input type="checkbox"/> Amendment/Response: [ ] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [ ] Sheet(s) of Figure(s) [ ] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Petition Under 37 C.F.R. 1.53 <input checked="" type="checkbox"/> Copy of Filing Receipt (Exhibit A) <input checked="" type="checkbox"/> Copy of Postcard (Exhibit A) <input checked="" type="checkbox"/> Copy of Express Mail (Exhibit B) <input checked="" type="checkbox"/> Copy of USPS shipping history (Exhibit C) <input type="checkbox"/>
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REMARKS:

### SIGNATURE OF ATTORNEY OR AGENT

Signature:	<i>Martin S. C. Loui</i>	
Attorney/Reg. No.:	Martin S. C. Loui, Reg. No. 43,411	Dated: July 3, 2002

### CERTIFICATE OF MAILING

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Signature:	<i>Martin S. C. Loui</i>	
Typed or Printed Name:	Martin S. C. Loui	Dated: July 3, 2002
Express Mail Mailing Number (optional):		

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JUL 15 2002  
OFFICE OF PETITIONS

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002/PTO(modified) Rev. 10/2001	U.S. Department of Commerce Patent and Trademark Office	<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b>		Application Number	09/925,109
		Filing Date	August 8, 2001
		First Named Inventor	Millard E. Sweatt III
		Group Art Unit	2152
		Examiner Name	Not Yet Known
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<b>TOTAL AMOUNT OF PAYMENT</b> Subtotal (1) + Subtotal (2) + Subtotal (3) =		<b>RECEIVED</b>	
(\$) <b>130.00</b>			

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																									
<b>1. The Commissioner is hereby authorized to:</b>  <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account.  <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. †  <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27  Deposit Account Number: 19-2555 Deposit Account Name: FENWICK & WEST LLP  A Duplicate Copy of this authorization is attached  <b>2. <input checked="" type="checkbox"/> Payment Enclosed:</b> <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other		<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code/Fee</th> <th>Small Entity Fee Code/Fee</th> <th>Fee Description</th> <th>Office of Petitions</th> </tr> </thead> <tbody> <tr> <td>105/\$130</td> <td>205/\$65</td> <td>Surcharge - late filing fee or oath</td> <td><input type="checkbox"/></td> </tr> <tr> <td>127/\$50</td> <td>227/\$25</td> <td>Surcharge-late provisional filing fee or cover sheet</td> <td><input type="checkbox"/></td> </tr> <tr> <td>147/\$2,520</td> <td>147/\$2,520</td> <td>For filing a request for reexamination</td> <td><input type="checkbox"/></td> </tr> <tr> <td>115/\$110</td> <td>215/\$55</td> <td>Extension for response within first month†</td> <td><input type="checkbox"/></td> </tr> <tr> <td>116/\$400</td> <td>216/\$200</td> <td>Extension for response within second month†</td> <td><input type="checkbox"/></td> </tr> <tr> <td>117/\$920</td> <td>217/\$460</td> <td>Extension for response within third month†</td> <td><input type="checkbox"/></td> </tr> <tr> <td>118/\$1,440</td> <td>218/\$720</td> <td>Extension for response within fourth month†</td> <td><input type="checkbox"/></td> </tr> <tr> <td>128/\$1,960</td> <td>228/\$980</td> <td>Extension for response within fifth month†</td> <td><input type="checkbox"/></td> </tr> <tr> <td>119/\$320</td> <td>219/\$160</td> <td>Notice of Appeal</td> <td><input type="checkbox"/></td> </tr> <tr> <td>141/\$1,280</td> <td>241/\$640</td> <td>Petition to revive unintentionally abandoned application</td> <td><input type="checkbox"/></td> </tr> <tr> <td>142/\$1,280</td> <td>242/\$640</td> <td>Utility Issue Fee (Or Reissue)</td> <td><input type="checkbox"/></td> </tr> <tr> <td>143/\$460</td> <td>243/\$230</td> <td>Design Issue Fee</td> <td><input type="checkbox"/></td> </tr> <tr> <td>122/\$130</td> <td>122/\$130</td> <td>Petitions to the Commissioner</td> <td><b>130</b></td> </tr> <tr> <td>126/\$180</td> <td>126/\$180</td> <td>Submission of Information Disclosure Statement</td> <td><input type="checkbox"/></td> </tr> <tr> <td>179/\$740</td> <td>279/\$370</td> <td>Request for Continued Examination (RCE)</td> <td><input type="checkbox"/></td> </tr> <tr> <td>581/\$40</td> <td>581/\$40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td><input type="checkbox"/></td> </tr> <tr> <td>146/\$740</td> <td>246/\$370</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td><input type="checkbox"/></td> </tr> <tr> <td>149/\$740</td> <td>249/\$370</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td><input type="checkbox"/></td> </tr> <tr> <td colspan="2"></td> <td>Other fee (specify):</td> <td><input type="checkbox"/></td> </tr> <tr> <td colspan="2"></td> <td>Other fee (specify):</td> <td><input type="checkbox"/></td> </tr> <tr> <td colspan="2"></td> <td><b>SUBTOTAL (3)</b></td> <td><b>(\$)<b>130.00</b></b></td> </tr> </tbody> </table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Office of Petitions	105/\$130	205/\$65	Surcharge - late filing fee or oath	<input type="checkbox"/>	127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	<input type="checkbox"/>	147/\$2,520	147/\$2,520	For filing a request for reexamination	<input type="checkbox"/>	115/\$110	215/\$55	Extension for response within first month†	<input type="checkbox"/>	116/\$400	216/\$200	Extension for response within second month†	<input type="checkbox"/>	117/\$920	217/\$460	Extension for response within third month†	<input type="checkbox"/>	118/\$1,440	218/\$720	Extension for response within fourth month†	<input type="checkbox"/>	128/\$1,960	228/\$980	Extension for response within fifth month†	<input type="checkbox"/>	119/\$320	219/\$160	Notice of Appeal	<input type="checkbox"/>	141/\$1,280	241/\$640	Petition to revive unintentionally abandoned application	<input type="checkbox"/>	142/\$1,280	242/\$640	Utility Issue Fee (Or Reissue)	<input type="checkbox"/>	143/\$460	243/\$230	Design Issue Fee	<input type="checkbox"/>	122/\$130	122/\$130	Petitions to the Commissioner	<b>130</b>	126/\$180	126/\$180	Submission of Information Disclosure Statement	<input type="checkbox"/>	179/\$740	279/\$370	Request for Continued Examination (RCE)	<input type="checkbox"/>	581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	<input type="checkbox"/>	146/\$740	246/\$370	Filing a submission after final rejection (37 CFR 1.129(a))	<input type="checkbox"/>	149/\$740	249/\$370	For each additional invention to be examined (37 CFR 1.129(b))	<input type="checkbox"/>			Other fee (specify):	<input type="checkbox"/>			Other fee (specify):	<input type="checkbox"/>			<b>SUBTOTAL (3)</b>	<b>(\$)<b>130.00</b></b>
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\* Subtract the greater number of Col. 2

\*\* If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Typed or Printed Name	Martin S. C. Loui	Reg. Number	43,411
Signature	<i>Martin S. C. Loui</i>	Date	July 3, 2002

† Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby

**EXHIBIT** A**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/925,109	08/09/2001 08	2152	2262	22407-05391	34	59	12

**CONFIRMATION NO. 2738**

00758  
FENWICK & WEST LLP  
TWO PALO ALTO SQUARE  
PALO ALTO, CA 94306

**UPDATED FILING RECEIPT**

\*OC000000007330548\*

Date Mailed: 01/18/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Millard E. Sweatt III, Menlo Park, CA;  
Don Woodward, Los Altos, CA;  
Chris E. Matichuk, San Jose, CA;  
Gurminder Sunner, San Jose, CA;  
Alain Regnier, Sunnyvale, CA;  
Sunil Mohan, Los Gatos, CA;

**Domestic Priority data as claimed by applicant**

THIS APPLN CLAIMS BENEFIT OF 60/223,856 08/08/2000  
AND CLAIMS BENEFIT OF 60/248,313 11/14/2000  
AND CLAIMS BENEFIT OF 60/258,937 12/29/2000  
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Applicant(s): Millard E. Sweatt, III		
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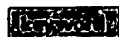
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